



H-1034

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

S. NAKAMURA et al

Serial No. 10/086,717

Group Art Unit: 2827

Filed: March 4, 2002

Examiner: D. Zarneke

For: A SEMICONDUCTOR DEVICE AND METHOD OF  
MANUFACTURING THE SAME

**REQUEST FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 25, 2003

Sir:

The Applicants have received a Final Rejection, dated November 17, 2003, from the Examiner of the application identified above.

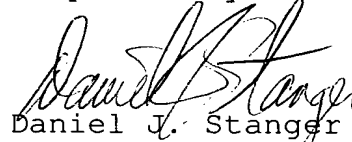
The Examiner has finally rejected claims 17 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Hiroyuki et al JP 2000-188369. Further, claim 20 was finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiroyuki in view of Mitsuhiro JP 03-106622. The Applicants submit that these rejections should not have been made final for the reason that follows.

Claims 17, 19, and 20 were rejected on these same grounds in the first (non-final) Office Action dated April 18, 2003. In reply to the non-final Office Action, the Applicants amended claim 17 to incorporate the subject matter of dependent claim 18, which was not rejected.

Therefore, claim 17 contains subject matter that has been examined but not rejected, and should not be made the subject of a final rejection in the instant Office Action. Similarly, claims 19 and 20, which are dependent from claim 17, should not be finally rejected.

In view of the foregoing, the Applicants request withdrawal of the finality of the Office Action so that the Applicants have a full and fair opportunity to address the new rejection of claim 17 (corresponding to prior claim 18).

Respectfully submitted,



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